

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES,

Plaintiff,

v.

MICHAEL WILLIAMS,

Defendant.

No. 2:20-po-261-KJN

ORDER REGARDING TRIAL SCHEDULE

On September 25, 2020, the court held a status conference with the parties concerning the potential for a bench trial. The parties confirmed that they are moving towards trial, and so the court set a trial date for **November 13, 2020**, set a status conference for **November 9, 2020**, and confirmed their assent to a remote trial via video conferencing software. (See ECF No. 5.)

Defendant also inquired into the appointment of counsel, and the court indicated that if defendant qualified, counsel would be appointed given the unique circumstances of conducting a remote trial. (See Id.) As of this order, the court has received word defendant qualifies for counsel, and so the court awaits the necessary paperwork to confirm, but then intends to appoint the Office of the Federal Defender to represent defendant.

For trial preparation purposes, the parties shall meet and confer on the following issues, and submit a joint statement to the court no later than **November 6, 2020, at 2:00 p.m.**

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1 **EXCHANGE OF EXHIBITS**

2 By **November 6, 2020**, the parties are ordered to provide an electronic version of all
3 exhibits, alongside their exhibit list, to opposing counsel. The parties shall agree on the method
4 of exchange of the electronic documents, which may include delivering them via a cloud sharing
5 app, USB flash drive, or other such method.

6 Plaintiff's exhibits shall be listed numerically, and defendant's exhibits shall be listed
7 alphabetically, first A, B, C, etc., then AA, BB, CC, etc. Each page in all multi-page exhibits
8 shall be marked for identification and all photographs must be marked individually. All exhibits
9 must be pre-marked. The court encourages the parties to generate a joint exhibit list to the extent
10 possible. Joint exhibits shall be identified as JX and listed numerically, e.g., JX-1, JX-2, etc.

11 Further, the parties shall submit any exhibits to Courtroom Deputy Alex Waldrop by
12 **November 6, 2020**. These documents are to be delivered by a cloud sharing service. The parties
13 shall contact Ms. Waldrop to discuss the specific procedures for delivering these documents. Ms.
14 Waldrop can be reached at awaldrop@caed.uscourts.gov or (916) 930-4187.

15 Unless otherwise ordered by the Court, the parties shall retain custody of any physical
16 exhibits incapable of being submitted electronically and shall remain responsible for the custody
17 of those exhibits throughout the duration of the trial.

18 **JOINT STATEMENT**

19 After the parties have conferred, they shall submit a joint statement informing the court of:

- 20 1. The basis for jurisdiction, and whether any challenge to jurisdiction or venue exists.
- 21 2. A brief statement of the nature of the case, and relief sought by the parties.
- 22 3. The list of relevant facts that are undisputed, and a list of relevant disputed facts.
- 23 4. Any anticipated evidentiary issues.
- 24 5. Any points of law in support of any legal disputes.
- 25 6. The parties' anticipated witness list. Plaintiff's witnesses shall be those listed in
26 Attachment A. Defendant's witnesses shall be those listed in Attachment B. Each
27 party may call any witnesses designated by the other.
- 28 7. The list of exhibits to be used at trial.

8. The anticipated length of the trial.

9. Whether any services of a foreign language interpreter, sign language interpreter or other appropriate auxiliary aids and services are required during this trial (whether for the parties or for any witnesses).

a. If such services are required, the parties shall, not later than **October 30, 2020**, contact the court's Access Coordinator/Staff Interpreter, Yolanda Riley-Portal, at (916) 930-4221 or yriley-portal@caed.uscourts.gov. The foreign language interpreter must be a court certified interpreter in good standing and have an oath on file with this Court prior to the commencement of trial.

10. An agreement on basic protocols for conducting a remote trial, including how the parties intend to screen-share documents during the trial, how to inform the court of an objection, or any other concerns the parties might have.

TRIAL SETTING

A remote bench trial is set for **Friday, November 13, 2020, at 9:00 a.m.**, via Zoom, before the undersigned.

FINAL PRETRIAL ORDER, OBJECTIONS TO

Shortly after the November 9, 2020 status conference, the court will issue a final pretrial order that will take into account the parties' positions and agreements regarding the issues outlined above. The parties will then have two days from the date of that order to file objections. If no objections are filed, the order will become final without further order of this court.

Dated: October 1, 2020

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE